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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SEMICAPS PTE LTD.

16 Plaintiff,

17 v.

18 HAMAMATSU PHOTONICS K.K.,
HAMAMATSU CORPORATION, and
PHOTONICS MANAGEMENT CORP.,

19 Defendants.

20 Case No: 17-cv-3440-DMR

21 **STIPULATION AND ORDER RE
EXTENSION TO CASE
SCHEDULE**

Pursuant to Civil Local Rules 6-2 and 7-12, the parties, by and through their respective Counsel, hereby stipulate to move the deadlines for completing depositions, expert discovery, and filing dispositive motions, if any. These changes are necessary to accommodate the scheduling and conducting of depositions in light of COVID-19 related orders and concerns. The parties have agreed to extend deadlines for the limited purpose of scheduling and completing fact depositions. In addition, in light of COVID-19 related concerns and restrictions, the parties are unable to conduct certain depositions in foreign jurisdictions and have thus agreed to conduct depositions by written questions with follow-up depositions to be held prior to trial should the witnesses be called to testify at trial. For witnesses being deposed by written questions, the parties stipulate to the following two-round process to provide adequate response and translation time:

- Written Responses to Written Deposition Questions: The deponent will have 28 days following the service of written deposition questions to serve written responses;
- Service of Second Round Written Deposition Questions: The deposing party will then have 21 days to serve second round written deposition questions, to which the deponent will have 28 days to serve written responses.

The total number of first and second round written questions for a deponent will not total more than 100 questions (including subparts), unless the witness is also designated to testify to topics under Federal Rule of Civil Procedure 30(b)(6), in which case the total number of questions will not total more than 150 questions (including subparts). The limit on written deposition questions will not apply to introductory questions relating to the witness' background and deposition preparation. Accordingly, the parties stipulate that the deadline to complete fact depositions be moved to 10 days after completion of the last fact deposition.

The parties have previously stipulated to extend the deadline for Defendants Hamamatsu Corporation and Photonics Management System to respond to the Complaint by 90 days—thus allowing them to have the same response date to the complaint as Defendant Hamamatsu Photonics K.K.—and to further extend the deadline for Defendants to respond to the Complaint by four weeks following the lifting of the stay pending *inter partes* review of the sole asserted patent. The parties later stipulated to extend the deadline for Defendants to answer the Complaint by one week after the

Court's order denying Defendants' motion to dismiss. The parties also stipulated to extend by one week the time for Plaintiff to file its reply brief in support of its claim construction positions. Most recently in July 2020, the parties also stipulated to extend the deadline for completion of discovery and the filing of dispositive motions. The parties have not made any other requested extensions, and this stipulation affects only the dates recited below that have been set by the Court.

Event	Current Deadline	New Deadline
Completion of fact depositions (with the ability to depose witnesses later who may testify at trial but could not appear for oral deposition due to COVID-19 restrictions)	November 20, 2020	10 days following completion of the last fact deposition
Deadline for the parties to provide the Court with a joint scheduling status report	N/A	May 31, 2021
Designate Opening Experts and Serve Reports	February 1, 2021	30 days after deadline for completion of fact depositions.
Designate Rebuttal Experts and Serve Reports	March 3, 2021	30 days after service of opening expert reports.
Close of Expert Discovery	April 2, 2021	30 days after service of rebuttal reports.
Dispositive (Summary Judgment) Motions	May 17, 2021	45 days after close of expert discovery.
Hearing on Dispositive Motions	To be set by Court	To be set by Court
Pretrial Conference	To be set by Court	To be set by Court
Trial	To be set by Court	To be set by Court

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Respectfully submitted,

Dated: January 29, 2021

By: /s/ Carolyn Chang

By: /s/ Kevin Chu

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ORDER

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

Dated: February 2, 2021

By:

Honorable Donna M. Ryu
United States Magistrate Judge

1 **ATTESTATION IN CONCURRENCE OF FILING**

2 In accordance with the Northern District of California's General Order No. 45, Section X.(B),
3 I, Carolyn Chang, attest that concurrence in the filing of this document has been obtained from each
4 of the other signatories who are listed on the signature pages.

5
6 Dated: January 29, 2021

By: /s/ Carolyn Chang

Carolyn Chang

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